

Remarks/Arguments

In response to the Office Action dated June 1, 2005, setting forth a restriction requirement, and in accordance with the provisions of 37 C.F.R. §§ 1.111 and 1.143, Applicants provisionally elect, with traverse, the subject matter of Group I, Claims 1-35, and 39-41, drawn to retroviral vector particles, packaging/producer cells capable of producing the particles, and methods of using the particles in gene therapy, and reserve the right to file a divisional application directed to the non-elected subject matter.

In the requirement for restriction, Applicants were required to elect one of the following groups of invention:

- I. Claims 1-35, 39-41, drawn to retroviral vector particles, packaging/producer cells capable of producing said particles and methods of using said particles in gene therapy.;
- II. Claims 36-38, drawn to a method of transferring a heterologous gene into human cells comprising contacting the human cells with retroviral producer cells.

This election is made with traverse because even though the compositions which form the subject matter of Group I may be considered by the Examiner to be patentably distinct from Claims 36-38, directed to particular uses of the compositions, it is believed that the claims are sufficiently related to be properly presented in a single application. Similar to claims in Group I drawn to methods of transducing cells with retroviral particles, Claims 36-38 are drawn to a method of transferring a heterologous gene into human cells by contacting the human cells with cells that produce retroviral vector particles. Furthermore, Claims 36-38 depend from claims in Group I. Also, given the commonality of the subject matter, examination of all the claims is believed not to place a serious search burden upon the Examiner.

Appl. No. 10/791,467
Amdt. dated August 1, 2005

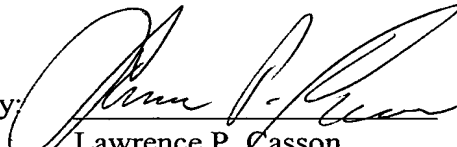
If there are any issues outstanding after consideration of this election, the Examiner is invited to contact the undersigned to expedite prosecution of this case.

Respectfully submitted,

KENYON & KENYON

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By:



Lawrence P. Casson
Reg. No. 46,606

One Broadway
New York, NY 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288